



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
P.O. Box 8044  
Madison, Wisconsin 53708-8044  
TTY: Contact Through Relay  
**Jim Doyle, Governor**  
**Richard J. Leinenkugel, Secretary**

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 60  
**Commerce #:** 53114-9999-10-A  
**BRRS #:** 03-65-209443  
**Site Name:** Smith Petroleum Bulk Plant  
**Site Address:** 110 N Market St, Darien, 53114  
**Site Manager:** Dave Volkert  
**Address:** 141 NW Barstow St, Rm 180  
**City, State Zip:** Waukesha, WI 53188-3789  
**Phone:** 262-574-2166  
**e-mail:** david.volkert@wisconsin.gov  
**Bid Manager:** Shawn A. Wenzel  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-5401  
**e-mail:** Shawn.Wenzel@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>April 20, 2009</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>May 4, 2009, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>May 22, 2009</b>
<b>Bid-End Date and Time:</b>	<b>June 5, 2009, 4:00 PM</b>

Excerpts of report(s) and other pertinent information are included with this bid as a separate Adobe® pdf-formatted document for viewing and downloading. No copy shop is being used for purchase of hard copies of this information.

The case file that includes all reports submitted to date and upon which bids are being sought is available for review at the Site Manager's office location listed above. Please contact the Site Manager for an appointment to review the file.

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

A site investigation conducted at this bulk fuel facility detected petroleum contamination in the soil and groundwater. The release was reported to the WDNR on December 28, 1998. The following tanks were present at the facility: one 19,900-gallon unleaded gasoline AST, one 16,000-gallon fuel oil AST, two 12,000-gallon unleaded gasoline ASTs, one 11,590-gallon diesel fuel AST, one 6,000-gallon fuel oil AST and one 560-gallon leaded gasoline UST. On March 5, 2001, it was discovered that a 12,000-gallon AST failed and released approximately 2,700 gallons of unleaded gasoline. A total of 250 gallons of free product was recovered from the ground surface immediately after the release. In April 2001 as an emergency action, 287 tons of petroleum contaminated soil were excavated and disposed of at an approved landfill after the leaking AST was removed. All tanks were removed from the site on or before September 7, 2001.

In July 2002, the site went to bid for the installation of additional groundwater monitoring wells, free product removal, a minimum of two years of groundwater monitoring, and soil remediation. Excavation and disposal was the selected soil remediation method and 458 tons of petroleum contaminated soil were removed in May 2003. After a groundwater monitoring program to demonstrate natural attenuation and a successful free product removal program, closure was requested for the site in 2005.

The DNR was satisfied that petroleum contamination in the groundwater had naturally attenuated to no longer require additional monitoring, therefore all monitoring wells associated with this site have been abandoned. Shallow petroleum contamination in the soil still presented a direct contact threat, however further delineation was necessary. In September 2006 and December 2008, additional soil borings were completed to delineate the extent of the direct contact threat, which is now defined.

The case file may be reviewed at the DNR office in the Lee Sherman Dreyfus State Office Building, 141 NW Barstow Street, Waukesha, Wisconsin by contacting the Customer Service Staff at (262) 574-2100.

### **Minimum Remedial Requirements**

Contaminated soil shall be excavated to address the threat of direct contact. The area of excavation is shown on the attached map and should include soil borings HA-2, HA-4, and HA-5. Refer to the map/figure showing the area to be excavated. The excavation should be from the surface to 4 feet below ground surface (bgs). The volume of soils to be excavated is approximately 130 cubic yards. Bidders shall include the specific number of yards and tons proposed to be excavated and disposed of in their response, and the cost per ton for soil excavated and disposed. Bid responses should assume a volume of 190 tons (Any bid responses proposing lesser volumes will not be considered compliant with the minimum requirements of this bid).

It is anticipated based on the investigative results that all excavated soil should be land filled; however, during excavation activities, soil samples should be routinely field screened using PID analysis to verify the highest contaminated soil is removed and to aid in determining final excavation boundaries. The actual horizontal extent of the excavation can be adjusted while completing the excavation to remove the most heavily contaminated soil and hold to the minimum required excavation volume. The excavated soil and any contaminated groundwater removed during de-watering activities shall be properly treated and/or disposed of in accordance with NR 718, Wis. Adm. Code. The excavation shall be backfilled with clean fill, and thoroughly compacted. The contracted

bidder must contact DNR Site Manager and Commerce Bid Manager one week prior to initiating excavation activities.

A minimum of six (6) confirmation soil samples (two (2) base and four (4) wall) must be collected from the vadose zone to document remaining soil concentrations in compliance with DNR sampling protocol. The soil samples should be field analyzed with a PID and submitted for laboratory analysis of petroleum volatile organic compounds (PVOCs). Results must be tabulated.

The cost to fulfill all landfill requirements for waste characterization analysis prior to soil disposal must be included. Be aware that Toxicity Characteristic Leaching Potential (TCLP) documentation and sampling requirements vary depending on the landfill. Therefore, bidders must include a line-item cost for TCLP sample collection and analysis, to be used if required.

Reimbursement for soil excavation and disposal will be on a per ton basis. The PECFA reimbursement cap will be set at the cost per ton multiplied by the number of tons proposed to be excavated plus the cost of the additional activities required to complete the scope of work from the selected compliant bid response.

Upon completion of the above-noted work, submit a report documenting the completed work. A map showing actual excavation boundaries and soil sampling locations should be created. The report should also contain all supporting documentation including waste manifests, laboratory reports, etc. Also, prepare and submit a complete DNR Case Summary & Closeout form and GIS Registry packet (soil and groundwater) for closure consideration by the DNR. Although not PECFA reimbursable, appropriate fees will also have to be submitted. If additional information or documents are needed to complete the closure request and/or GIS packet(s), they may be available in the file available through the DNR. Contact the DNR Waukesha office to arrange a file review meeting.

The report shall be submitted to the DNR and a copy to Commerce within 30 days of receiving the laboratory analytical data.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).

5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

#### Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## **SECTION 5 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid

is not allowed. No bid shall be altered or amended after the time specified for the bid end date.

8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

**BID RESPONSE – BID ROUND 60**

**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**Site Name: Smith Petroleum Bulk Plant**

**Commerce #: 53114-9999-10-A**

**BRRTS #: 03-65-209443**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

**BID RESPONSE – BID ROUND 60****(2<sup>nd</sup> Page)**

Department of Commerce PECFA Program

**Site Name: Smith Petroleum Bulk Plant****Commerce #: 53114-9999-10-A****BRRTS #: 03-65-209443****Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

Activity Description		Cost Per Well/Sample/Ton Per Event (\$)	Total Cost Per Activity (\$)
1. Remedial excavation	Consultant Costs	\$	\$
	Commodity Costs	\$	
2.	Post-remedial soil sampling (Six (6) samples) Laboratory analysis for PVOC (Includes collection and analysis)	\$	\$
3.	TCLP testing	\$	\$
4.	Waste disposal for all wastes generated on-site		\$
5.	Final report preparation and submittal, including Closure Request and GIS Packet (excluding DNR Required Fees)		\$
6.	Other (list)		\$
7.	PECFA Claim Preparation		\$
8.	Total Bid Amount		\$
<b>CONTINGENCY COSTS</b> <b>(Will be Approved and Added to the Bid Cap as Needed)</b>			
9.	N/A	\$ N/A	\$ N/A